

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Kalkstein	Team: Team # 5	CCRB Case #: 200911376	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/14/2009 5:06 PM	Location of Incident: Utica Avenue and St. Johns Place, and en route to and at the 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 1/14/2011	EO SOL 1/14/2011	
Date/Time CV Reported Fri, 07/17/2009 1:58 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/23/2009 3:01 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Minucci	07979	935326	077 PCT
2. An officer			
3. POM William Camacho	24431	933669	077 PCT
4. POM Hector Morales	30216	925774	077 PCT
5. POM Edwin Espinal	09609	934831	077 PCT
6. POM Edwin Simon	26883	937543	077 PCT
7. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Eric Rodriguez	04742	927441	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At St. Johns Place and Utica Avenue in Brooklyn, an officer attempted to strike § 87(2)(b) with a baton.	
B. POM William Camacho	Force: At St. Johns Place and Utica Avenue in Brooklyn, PO William Camacho used physical force against § 87(2)(b)	
C. POM Edwin Simon	Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Simon used physical force against § 87(2)(b)	
D. POM Stephen Minucci	Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Stephen Minucci used physical force against § 87(2)(b)	
E. POM Hector Morales	Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Hector Morales used physical force against § 87(2)(b)	
F. POM Edwin Espinal	Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Espinal used physical force against § 87(2)(b)	
G. Officers	Force: At St. Johns Place and Utica Avenue in Brooklyn and en route to the 77th Precinct stationhouse, officers used physical force against § 87(2)(b)	
H. Officers	Abuse: En route to the 77th Precinct stationhouse, officers threatened § 87(2)(b) with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Abuse: At the 77th Precinct stationhouse, an officer strip-searched § 87(2)(b)	
J. An officer	Discourtesy: At the 77th Precinct stationhouse an officer spoke obscenely and rudely to § 87(2)(b)	

### Case Summary

§ 87(2)(b) filed a complaint with IAB on July 17, 2009 (encl. 7). The complaint was forwarded to the CCRB on July 23, 2009 (encl. 8).

On July 14, 2009, several officers were involved in the arrest of § 87(2)(b). § 87(2)(b) observed this arrest and approached the officers. The following allegations resulted:

- **Allegation A – Force:** At St. Johns Place and Utica Avenue in Brooklyn, an officer attempted to strike § 87(2)(b) with a baton.  
§ 87(2)(g)
- **Allegation B – Force:** At St. Johns Place and Utica Avenue in Brooklyn, PO William Camacho used physical force against § 87(2)(b).
- **Allegation C – Force:** At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Simon used physical force against § 87(2)(b).
- **Allegation D – Force:** At St. Johns Place and Utica Avenue in Brooklyn, PO Stephen Minucci used physical force against § 87(2)(b).
- **Allegation E – Force:** At St. Johns Place and Utica Avenue in Brooklyn, PO Hector Morales used physical force against § 87(2)(b).
- **Allegation F – Force:** At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Espinal used physical force against § 87(2)(b).  
§ 87(2)(g)
- **Allegation G – Force:** At St. Johns Place and Utica Avenue in Brooklyn and en route to the 77th Precinct stationhouse, officers used physical force against § 87(2)(b).
- **Allegation H – Abuse of Authority:** En route to the 77th Precinct stationhouse, officers threatened § 87(2)(b) with the use of force.
- **Allegation I – Abuse of Authority:** At the 77th Precinct stationhouse, an officer strip-searched § 87(2)(b).  
§ 87(2)(g)
- **Allegation J – Discourtesy:** At the 77th Precinct stationhouse an officer spoke obscenely and rudely to § 87(2)(b).  
§ 87(2)(g)

This case was originally assigned to Inv. Ben Salk but was reassigned to Team Supervisor Noah Kalkstein after Inv. Salk's departure from the agency.

### Results of Investigation

#### Civilian Statements:

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

### **CCRB Testimony**

§ 87(2)(b) was interviewed at the CCRB on May 17, 2010 (encl. 9). On July 14, 2009 at approximately 5:06 PM, § 87(2)(b) was standing outside near the intersection of Saint Johns Place and Utica Avenue in Brooklyn and observed the arrest of an individual who was identified by the investigation as § 87(2)(b). § 87(2)(b) was fighting with police officers, and a large crowd had gathered to watch the arrest.

§ 87(2)(b) approached one of the officers and asked why so much force was being used against § 87(2)(b). The officer told § 87(2)(b) to back up, and pushed him with a baton that he was holding horizontally. When the officer again told § 87(2)(b) to back up and tried to push § 87(2)(b) a second time, § 87(2)(b) blocked the push with his hands. A second officer then attempted to punch § 87(2)(b) in the face and strike him with a baton in the knees, but § 87(2)(b) was able to move his body to avoid the blows. An officer grabbed § 87(2)(b)'s arms and pulled them behind his back, so § 87(2)(b) voluntarily laid on the ground where he was handcuffed. However, multiple unidentified officers punched and kicked § 87(2)(b) after he was handcuffed.

§ 87(2)(b) was placed in the back of a marked police van with two of the officers who had initially been arresting § 87(2)(b). One of these officers repeatedly punched § 87(2)(b) in the torso area; however, § 87(2)(b) could not specifically note which officer did this to him. § 87(2)(b) called this officer a "sucker" and an unidentified officer in the front of the van told § 87(2)(b) that if he took the handcuffs off § 87(2)(b) that officer would "fuck [him] up." In the van, an officer identified by § 87(2)(b) in a photo array as PO Edwin Simon said to § 87(2)(b) "You know I didn't hit you, right?"

§ 87(2)(b) was taken to the 77<sup>th</sup> Precinct stationhouse. § 87(2)(b) was taken to a hallway in the rear of the holding cells where he was strip-searched by one of the officers who was on scene while another officer, whose name began with a "Z" and who transported § 87(2)(b) watched. § 87(2)(b) told the officers that he was going to complain to IAB, but the officer whose name began with a "Z" stated, "Fuck Internal Affairs, they're not going to do anything anyway." § 87(2)(b) also stated that he was choked in the stationhouse. However, § 87(2)(b) was unable to articulate when, how, and by whom he was choked.

Throughout the interview § 87(2)(b) reacted angrily when asked to describe officers, saying that their names should all be on the "police report" and expressing frustration that he was being asked this information.

### **Photo Array**

On July 2, 2010 § 87(2)(b) was shown six photographic arrays containing possible subject officers from the 77<sup>th</sup> Precinct (encl. 10). These officers were included as they were members of the SNEU team that were in the process of arresting § 87(2)(b) when the incident began.

Each array contained one possible subject officer and five filler photographs. Array number one contained PO Stephen Minucci. Array number two contained Sgt. Eric Rodriguez. Array number three contained PO Edwin Simon. Array number four contained PO Edwin Espinal. Array number five contained PO Hector Morales. Array number six contained PO William Camacho.

In array number one, § 87(2)(b) identified PO Minucci as being an officer who was present on scene during the incident. He also identified one of the fillers as being an officer who was possibly in the police van with him. In array number two § 87(2)(b) did not identify any officers. In array number three § 87(2)(b) identified PO Simon as the officer who told him that he did not hit him. In array number four § 87(2)(b) identified PO Espinal as possibly having

been on scene. In array number five he identified PO Morales as being present on scene. In array number six § 87(2)(b) identified PO Camacho as possibly being the officer who first threw a punch at him.

**Witness:** § 87(2)(b)

Two letters were sent to § 87(2)(b) via the address on her arrest report on August 24, 2009 and September 1, 2009. Both letters were returned to the CCRB as undeliverable. A Lexis-Nexis search was conducted on August 25, 2009, but it did not provide any additional contact information for § 87(2)(b). A search of the Department of Corrections (DOC) Inmate Locator confirmed that § 87(2)(b) is not incarcerated. § 87(2)(g)

**NYPD Statements:**

**Officer Statement: PO STEPHEN MINUCCI**

- PO Stephen Minucci is a § 87(2)(b)-old, 6'1", 275 lbs., white male with black hair and § 87(2)(b) eyes.
- PO Minucci was dressed in uniform and worked from 2:00 p.m. until 10:35 p.m. on July 14, 2009. PO Minucci was assigned to SNEU with PO Hector Morales, PO Edwin Simon, PO William Camacho, and PO Edwin Espinal.

**Memobook**

PO Minucci's memobook states that at 5:10 p.m., § 87(2)(b) was stopped at the corner of Saint John's Place and marijuana was recovered. At 5:17 p.m., a black male, § 87(2)(b) obstructed efforts to arrest § 87(2)(b). At 5:20 p.m., § 87(2)(b) resisted arrest and PO Camacho was injured (encl. 11)

**Complaint and Arrest Reports**

PO Minucci completed complaint and arrest reports for § 87(2)(b) and § 87(2)(b) § 87(2)(b) (encl. 12).

The reports for § 87(2)(b) state that § 87(2)(b) was observed inside a vehicle parked unlawfully at a bus stop. Upon investigation by PO Minucci, a quantity of marijuana was observed in plainview. While being placed in handcuffs, § 87(2)(b) refused to be handcuffed, flailed her arms and legs, and went limp.

The reports for § 87(2)(b) state that while officers were attempting to arrest § 87(2)(b) § 87(2)(b) attempted to interfere by trying to come between officers and the perpetrator § 87(2)(b). When officers attempted to remove § 87(2)(b) § 87(2)(b) punched PO William Camacho in the face, causing bruising and a cut. § 87(2)(b) resisted arrest by flailing his arms and legs, causing an injury to PO Hector Morales' knee.

**Criminal Court Complaint**

PO Minucci completed the Criminal Court Complaint for the arrest of § 87(2)(b) (encl. 13). The Criminal Court Complaint states that § 87(2)(b) attempted to prevent the authorized arrest of § 87(2)(b) by placing his body between § 87(2)(b) and PO Minucci, punched PO Camacho in the head, causing lacerations to the forehead, and pushed PO Morales to the ground, causing lacerations to the knee.

**AIDED**

PO Minucci completed an AIDED Report which stated that while effecting an arrest, a male defendant § 87(2)(b) resisted arrest (encl. 14). § 87(2)(b) punched PO Camacho in

the face with a closed fist, causing a laceration to the forehead as well as swelling and redness to the right side of the face. PO Camacho also sustained a sprained wrist.

### **CCRB Testimony**

PO Minucci was interviewed at the CCRB on October 21, 2009 (encl. 15). On the incident date, PO Minucci, PO Morales and PO Camacho approached a vehicle that was stopped in a bus stop to tell the driver to move. The driver has been identified by the investigation as § 87(2)(b). On approach, PO Minucci observed marijuana in plain view inside the vehicle. When the officers attempted to arrest § 87(2)(b) she resisted by flailing her arms and going stiff. The officers forcibly grabbed her arms to place her into handcuffs.

As the officers were trying to arrest § 87(2)(b) an individual, identified by the investigation as § 87(2)(b) approached the officers and shouted, “What are you doing to her? You have no right to do that! Leave her alone, she’s just a girl!” The officers told § 87(2)(b) to step back, but he tried to place himself between § 87(2)(b) and the officers and attempted to grab the officers’ arms to pull them off of § 87(2)(b).

The officers made a call for assistance and other police units arrived on scene. There were approximately twenty to thirty civilians who were observing the incident, and about eight officers on the scene. The officers got § 87(2)(b) into handcuffs and PO Minucci took her and placed her into the police vehicle. When PO Minucci returned, PO Camacho and PO Morales were struggling with § 87(2)(b) who was flailing his arms and pushing.

As PO Camacho approached, he observed § 87(2)(b) punch PO Camacho in the side of his head. § 87(2)(b) then shoved PO Morales, who fell on his knee. PO Camacho grabbed § 87(2)(b) by the arms and chest and PO Minucci grabbed § 87(2)(b)’s arms. § 87(2)(b) fell to the ground, and the officers handcuffed him. PO Minucci did not see any officer with a baton drawn at any time during the incident. PO Minucci did not see any officer punch or kick § 87(2)(b). No officer stated, “I should punch you in the face” or threaten to “fuck up” § 87(2)(b). PO Minucci denied cursing at § 87(2)(b) or hearing any other officer curse at him.

§ 87(2)(b) was placed into a patrol car and taken to the 77<sup>th</sup> Precinct stationhouse. PO Minucci took down § 87(2)(b)’s pedigree information and secured his personal property. Another officer escorted § 87(2)(b) to the cell area, while PO Minucci processed § 87(2)(b)’s arrest paperwork. PO Minucci denied that § 87(2)(b) was ever strip-searched. PO Minucci denied that physical force was ever used against § 87(2)(b) in the stationhouse.

### **Officer Interview: PO WILLIAM CAMACHO**

- PO Camacho is a § 87(2)(b)-old, 6’1”, 275 lbs., Hispanic male with black hair and § 87(2)(b) eyes.
- PO Camacho was dressed in uniform and worked from 2:00 p.m. until 10:35 p.m. on July 14, 2009. PO Camacho was assigned to SNEU with PO Hector Morales, PO Edwin Simon, PO Stephen Minucci, and PO Edwin Espinal.

### **Memobook**

PO Camacho’s memobook states that at 5:15 p.m., he was at Utica Avenue and St. Johns Place, where a 10-85 (request for assistance) was called. At 6:00pm, PO Camacho was at § 87(2)(b) (encl. 16).

### **Medical Records Statement**

According to the FDNY Prehospital Care Report, PO Camacho stated to an EMT that “a perp punched him in the head and his head began to hurt” (encl. 17).

### **CCRB Testimony**

PO Camacho was interviewed at the CCRB on October 21, 2009 (encl. 18). On the incident date, PO Camacho was with PO Minucci, who had § 87(2)(b) stopped. PO Minucci told PO Camacho to place § 87(2)(b) under arrest. PO Camacho did not recall why PO Minucci ordered the arrest. § 87(2)(b) fought with the officers and refused to be handcuffed. A large group of civilians gathered and the officers made a call for assistance. § 87(2)(b) was taken to the ground and handcuffs were placed on her.

When PO Camacho got off of the ground, PO Camacho noticed § 87(2)(b) fighting with about three other police officers. PO Camacho was familiar with § 87(2)(b) from a prior arrest for the sale of narcotics. § 87(2)(b) was “swinging wildly” and pushed an officer against a car. PO Camacho approached § 87(2)(b) and grabbed him from behind in a hugging fashion. § 87(2)(b) resisted and flailed, and in the process, § 87(2)(b) hit PO Camacho under his right eye with a fist or an elbow, causing a contusion. PO Morales was also struck at some point and was bleeding. PO Camacho did not see how Officer Morales was struck.

PO Camacho and § 87(2)(b) fell forward onto the ground, landing on PO Camacho’s wrist. On the ground, § 87(2)(b) was still trying to pull away from the officers, but they were able to handcuff him. PO Camacho did not see any officer punch § 87(2)(b) or hit him with a baton. No officer used profanity against § 87(2)(b) or threatened him.

At the stationhouse, PO Camacho briefly saw § 87(2)(b) near the desk, but was not involved in his arrest processing. PO Camacho did not witness any force used against § 87(2)(b) at the stationhouse and had no information as to whether § 87(2)(b) was strip-searched.

### **Officer Statement: PO HECTOR MORALES**

- *PO Hector Morales is a § 87(2)(b) old, 5’8”, 180lbs., Hispanic male with grey hair and § 87(2)(b) eyes.*
- *PO Morales was dressed in uniform and worked from 2:00 p.m. until 10:35 p.m. on July 14, 2009. PO Morales was assigned to SNEU with PO Minucci, PO Camacho, PO Edwin Simon, and PO Edwin Espinal. They were assigned to marked van #5322.*

### **Memobook**

PO Morales’s memobook states that at 5:15 p.m., while effecting the arrests of § 87(2)(b) and § 87(2)(b) he suffered an injury to his right knee. At 5:25pm, PO Morales was at the 77<sup>th</sup> Precinct stationhouse and at 5:50pm, he went to § 87(2)(b). At 9:00pm, PO Morales returned to the 77<sup>th</sup> Precinct stationhouse and was released by PAA McCollough with a puncture wound to his knee and a possible fracture. He noted that an MRI was scheduled (encl. 19).

### **CCRB Testimony**

PO Morales was interviewed at the CCRB on October 27, 2009 (encl. 20). On July 14, 2009, at approximately 5:15 p.m., the SNEU team was attempting to arrest § 87(2)(b) for possession of marijuana at the intersection of Utica Avenue and St. Johns Place. § 87(2)(b) was fighting the officers. She was screaming loudly, cursing, and flailing her hands. She was leaning against the rear of her car, which was parked toward a bus stop.

A man, § 87(2)(b) approached the officers and said: “Get the fuck off her. What are you doing?” PO Morales, and possibly also PO Camacho, asked § 87(2)(b) to move back and keep away. § 87(2)(b) kept returning, and responding with curses: “Go fuck yourselves, you fucking cops.” He was asked to step back at least 2 or 3 times, but he only grew more belligerent. He was standing very close to PO Morales at this point. PO Morales stated that he had no reason

to believe that § 87(2)(b) was armed, but that he was concerned that he might reach forward and grab a weapon from one of the officers.

After 3 to 5 minutes, the officers finally succeeded in handcuffing § 87(2)(b). After § 87(2)(b) had been handcuffed, § 87(2)(b) came even closer. PO Morales stated that it appeared that § 87(2)(b) was attempting to help § 87(2)(b). PO Morales attempted to move him away, to remove him from the area. § 87(2)(b) pushed PO Morales in the chest, throwing him against a civilian van which was parked right next to § 87(2)(b)'s car. After that, PO Morales decided to arrest § 87(2)(b) for obstruction of governmental administration. He was assisted by PO Camacho, and possibly another officer. The struggle was taking place near the rear bumper of § 87(2)(b)'s car. § 87(2)(b) was flailing his arms, and may have punched an officer. PO Morales attempted to grab hold of § 87(2)(b)'s shoulder area with both hands. PO Camacho, positioned behind § 87(2)(b), grabbed him in a bear hug.

A crowd began to gather. At first it was only 5 or 6 individuals, but soon nearly 30 people were gathered. They stood no more than 2 feet from § 87(2)(b) and the officers, practically within arm's length. The crowd, egged on by § 87(2)(b), was cursing and yelling.

About a minute into the struggle, § 87(2)(b) along with PO Camacho, and possibly other officers, somehow fell to the ground. § 87(2)(b) was positioned sideways on the ground. PO Morales believes, but is not certain, that § 87(2)(b) was lying on his right side. PO Morales denied that the cause of § 87(2)(b)'s fall was an officer attempting to trip him. PO Morales was still standing. Fearing for his safety and that of the other officers, he put a 10-85 call on the radio, requesting other officers to assist in the arrest.

PO Morales stated that "a lot" of officers responded to the radio call. He did not remember any of the specific officers who responded and did not recall whether they included any plainclothes officers. § 87(2)(b) was eventually arrested.

During the course of the struggle, PO Morales suffered a puncture wound to his right knee. He does not know what caused the puncture. He speculates that it might have been a fall to the ground. PO Morales is unsure precisely when the injury was inflicted. After the incident was over, he noticed that his knee was wet. When he looked at his knee, he saw that it was covered in blood, which was dripping down his leg. PO Morales was taken by ambulance to § 87(2)(b). In the ambulance, he saw PO Camacho, who had a head injury. However, he did not know how PO Camacho sustained this injury.

At no point during the incident did PO Morales draw a baton or asp. He did not observe any other officers drawing batons or asps. He denied ever swinging his fist at § 87(2)(b) and he did not see anyone else swinging a fist, or any other object or implement, at him. He never saw any officer attempt to kick § 87(2)(b).

PO Morales does not know which car ultimately transported § 87(2)(b) to the stationhouse. He stated that it is possible that § 87(2)(b) was transported in the SNEU van. PO Morales himself did not ride in the SNEU van, because he drove § 87(2)(b)'s car to the precinct. He stated that there were no other officers riding with him in § 87(2)(b)'s car.

PO Morales had no physical contact with § 87(2)(b) after calling the 10-85. PO Morales did not interact with § 87(2)(b) at the stationhouse. He did not become aware of § 87(2)(b) being searched or strip-searched at the stationhouse. He never heard anything about physical force being used against § 87(2)(b) in the stationhouse. He never heard any officer in the stationhouse threatening § 87(2)(b) with force or using discourteous language.

**Officer Statements: PO EDWIN ESPINAL and PO EDWIN SIMON**

- *PO Edwin Espinal is a § 87(2)(b)-old, 6'1", 275 lbs., white male with black hair and § 87(2)(b) eyes.*



- *PO Edwin Simon is a § 87(2)(b)-old, 5'11", 190 lbs., Hispanic male with black hair and brown eyes.*
- *On July 14, 2009, PO Espinal and PO Simon were dressed in uniform and worked the same tour and assignment as the rest of the SNEU team.*

### **Memobooks**

PO Espinal's memobook states that at 5:15pm a female § 87(2)(b) was stopped at St. Johns Place and Utica Avenue and at 5:16pm, a male § 87(2)(b) was stopped at the same location. A 10-85 (request for assistance) was called for § 87(2)(b) resisting arrest and crowd control. At 5:20pm, the two individuals were arrested by PO Minucci. Multiple units were on scene along with numerous people on the sidewalk. PO Camacho and PO Morales sustained injuries during the arrests and an ambulance was called to meet the injured officers at the 77<sup>th</sup> Precinct stationhouse (encl. 21).

PO Simon's memobook states that at 5:23pm a female § 87(2)(b) was arrested at St. Johns Place and Utica Avenue. A black male § 87(2)(b) punched an officer (PO Camacho) in the face. At 6:00pm, PO Simon went with PO Camacho and PO Morales to § 87(2)(b) (encl. 23).

### **CCRB Testimony**

PO Espinal was interviewed at the CCRB on October 28, 2009 (encl. 22) and PO Simon was interviewed at the CCRB on October 29, 2009 (encl. 24) § 87(2)(g)

PO Espinal and PO Simon confirmed that § 87(2)(b) was resisting arrest, which drew a crowd of almost one hundred individuals. The officers used force to arrest § 87(2)(b) however, § 87(2)(b) was not punched or struck with an asp. No officer cursed at § 87(2)(b) or threatened him with continued force.

At the stationhouse, § 87(2)(b) was threatening to call IAB and the CCRB. No officer said "fuck IAB" or use any other profanity against § 87(2)(b) PO Espinal and PO Simon did not strip-search § 87(2)(b)

### **Officer Statement: SGT. ERIC RODRIGUEZ**

- *Sgt. Eric Rodriguez is a § 87(2)(b) old, 5'11", 200lbs., Hispanic male with black hair and brown eyes.*
- *Sgt. Rodriguez was dressed in uniform and worked from 2:30 p.m. until 11:47 p.m. on July 14, 2009 as the 77<sup>th</sup> Precinct desk officer.*

### **Memobooks**

Sgt. Rodriguez had no memobook entries regarding the incident (encl. 25).

Sgt. Rodriguez was interviewed at the CRRB on November 11th, 2009 (encl. 26). Sgt. Rodriguez did not recall the incident in question and stated that he was not involved in it at all. He did not recall authorizing a strip search of § 87(2)(b) or any other officer doing so.

Sgt. Rodriguez was shown the command log entries relating to the arrests of § 87(2)(b) and § 87(2)(b) § 87(2)(b). He recognized the handwriting as his own in an entry directly above the arrests of § 87(2)(b) and § 87(2)(b) and confirmed that the entry did not include a strip search authorization for § 87(2)(b)

### **Medical Records**

The FDNY Prehospital Care Report for PO William Camacho states that PO Camacho complained of a headache, as a result of a being punched in the head by a perpetrator. PO Camacho did not lose consciousness, but the EMT observed a scratch, redness, and swelling to PO Camacho's forehead (encl. 27D)

The Medical Treatment of Prisoner report for § 87(2)(b) states that § 87(2)(b) suffered from pain to the back, arms and legs and refused medical treatment (encl. 27F).

### **NYPD Documents**

#### **Roll Call**

The 77<sup>th</sup> Precinct tour 3 roll call was obtained by the CCRB (encl. 28). Sgt. Rodriguez is listed as Patrol Supervisor while PO Camacho, PO Morales, PO Minucci, PO Simon and PO Espinal are listed as the sole members of the SNEU team.

#### **SPRINT Reports**

The first Sprint report related to this incident was generated at 5:25pm on July 14, 2009, when officers requested assistance with crowd control (encl. 29A-B). Sectors D and I were on scene, along with a patrol supervisor and an anti-crime unit. At 5:27pm, it was reported that two individuals were arrested.

The second Sprint related to this incident was generated at 5:28pm, when EMS was requested to the 77<sup>th</sup> Precinct stationhouse to attend to an injured officer (encl. 29C)

#### **Command Log**

The 77<sup>th</sup> Precinct command log lists the arrests of § 87(2)(b) and § 87(2)(b) by PO Minucci (encl. 30). Both individuals' physical/mental conditions are listed as 'apparently normal' and there are no strip-search authorizations noted.

### **Other Evidence**

#### **Video Evidence**

On July 2, 2010 § 87(2)(b) appeared at the CCRB with his attorney and allowed Inv. Salk to view a video clip of the incident that was recorded by an unknown individual (encl. 32). § 87(2)(b)'s attorney did not allow the investigator to keep a copy of the video or review it extensively, but allowed Inv. Salk to view it once and take notes. The video contained the following images, as summarized by Inv. Salk:

§ 87(2)(b) is seen standing to the right-rear of a parked vehicle while an individual identified by the investigation as § 87(2)(b) is being arrested, surrounded by police officers. There is a crowd of what appears to be about twenty people watching on the sidewalk. § 87(2)(b) does not appear to be physically involved but is standing significantly closer than anyone else. The crowd is yelling and one male can be heard yelling, "I need a gun, I need a gun, this is some G shit," and things to that effect. § 87(2)(b) is standing closest to one officer. While viewing the video § 87(2)(b) stated that this officer was the officer who first swung at him and missed with a fist.

A Hispanic male approximately 5'9"-5'10", with a medium build, a silver shield and a shaved head, approaches and pushes § 87(2)(b) back with an asp baton held horizontally. It is unclear if this is the same officer that § 87(2)(b) identified as having swung at him. Shortly afterward several officers push § 87(2)(b) against a van and begin handcuffing him. A short male officer in uniform punches him once in the back right part of his head behind his right ear. The officer has short hair, is white or Hispanic, and is noticeably shorter than the other nearby officers. § 87(2)(b) is then led away in handcuffs.

### **Arrest for Incident and Disposition**

- Case number § 87(2)(b) stemming from § 87(2)(b)'s July 14, 2009 arrest remains open. The next scheduled court date is scheduled for § 87(2)(b) (encl. 33).

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 25, 2010 with regard to the incident (encl. 35).

### **Civilian Criminal History**

- § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian(s) CCRB History**

- § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Subject Officer(s) CCRB History**

- PO Stephen Minucci, PO William Camacho, and PO Edwin Espinal have been members of service for six years and there are no substantiated CCRB allegations against them (encl. 1, 2 and 4).
- PO Hector Morales has been a member of service for ten years and there are no substantiated CCRB allegations against him (encl. 3).
- PO Edwin Simon has been a member of service for five years and there is one substantiated allegation against him. In case 200800203 allegations of stop and retaliatory summons were substantiated against him. He received a Command Discipline A (encl. 5).

### **Conclusion**

### **Identification of Subject Officer(s)**

§ 87(2)(b) identified SNEU Team members PO Minucci, PO Simon, PO Espinal, PO Morales and PO Camacho in photo arrays as being on scene but did not attribute any specific actions to them. § 87(2)(b) stated that PO Camacho may have been the officer who first attempted to strike him. All of the SNEU officers admitted to being involved in the incident and all admitted to using physical force against § 87(2)(b). The investigation confirmed that these were all of the officers who were initially on scene. § 87(2)(b) alleged that multiple officers used force against him after he was handcuffed, however he was unable to see them. § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) described the officers who threatened him and used force against him in the van and the officer who strip-searched him at the stationhouse as being on scene from the

beginning of the incident (identified by the investigation as the SNEU Team members listed above). However, § 87(2)(b) was shown photos of all members of the SNEU Team and did not identify any of them as being subjects of these allegations. § 87(2)(g)

### **Allegations Not Pleaded**

Though § 87(2)(b) stated that an officer choked him, he could not specify when, how, or to what extent, this occurred, or by whom. § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A – Force: At St. Johns Place and Utica Avenue in Brooklyn, an officer attempted to strike § 87(2)(b) with a baton.**

According to the video footage observed and summarized by Inv. Salk, there was no officer that attempted to strike § 87(2)(b) before the officers attempted to arrest him, as § 87(2)(b) alleged. § 87(2)(g)

#### **Allegation B – Force: At St. Johns Place and Utica Avenue in Brooklyn, PO William Camacho used physical force against § 87(2)(b)**

#### **Allegation C – Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Simon used physical force against § 87(2)(b)**

#### **Allegation D – Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Stephen Minucci used physical force against § 87(2)(b)**

#### **Allegation E – Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Hector Morales used physical force against § 87(2)(b)**

#### **Allegation F – Force: At St. Johns Place and Utica Avenue in Brooklyn, PO Edwin Espinal used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that an officer, possibly PO Camacho, swung his fist at him after attempting to push him back repeatedly. The video evidence did not support this allegation, and since § 87(2)(b)'s attorney did not allow the CCRB to keep a copy of the video or review it extensively, the video could not be used to aid in the identification of any officers. PO Camacho, PO Simon, PO Minucci, PO Morales, and PO Espinal all admitted to using physical force to arrest § 87(2)(b). In his testimony, § 87(2)(b) admitted that he did not retreat when ordered to back up and when pushed back by an officer. He also admitted that he attempted to verbally interfere with the arrest of § 87(2)(b). Officers alleged in their CCRB testimony and arrest paperwork that § 87(2)(b) attempted to physically interfere in the arrest of § 87(2)(b), assaulted PO Camacho by punching him in the face, and resisted arrest causing injury to PO Morales. § 87(2)(g)

§ 87(2)(g)

**Allegation G – Force: At St. Johns Place and Utica Avenue in Brooklyn and en route to the 77th Precinct stationhouse, officers used physical force against § 87(2)(b)**

**Allegation H – Abuse of Authority: En route to the 77th Precinct stationhouse, officers threatened § 87(2)(b) with the use of force.**

**Allegation I – Abuse of Authority: At the 77th Precinct stationhouse, an officer strip-searched § 87(2)(b)**

§ 87(2)(b) stated that he was unable to see the officers who allegedly struck him after he was in handcuffs. All officers interviewed denied that this occurred. The video evidence corroborates the officers' claims that § 87(2)(b) was not struck after he was in handcuffs. § 87(2)(b) also stated that the officers who used physical force in the van, threatened him in the van, and strip searched him in the stationhouse were among the officers present at the beginning of the incident. Since the investigation positively identified all of the officers who were present at the beginning of the incident as members of the SNEU Team, § 87(2)(b) was shown photo arrays containing all of these officers. § 87(2)(b) did not identify any of these officers as being subjects of the above listed allegations. § 87(2)(g)

**Allegation J – Discourtesy: At the 77th Precinct stationhouse an officer spoke obscenely and rudely to § 87(2)(b)**

§ 87(2)(b) alleged that an officer in a white polo shirt, whose name began with a "Z" spoke discourteously to him in the 77<sup>th</sup> Precinct stationhouse. According to the roll call, there were no officers working in the 77<sup>th</sup> Precinct that day whose named began with a Z. § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date